THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11080 OF 2006

7th JUNE, 2006

BETWEEN

Mrs.Anjana Jain

... Petitioner

vs.

The District Collector, Ranga Reddy District and another.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11080 OF 2006

ORDER:

The petitioner purchased house site admeasuring about 420 square yards in Sagar Cooperative Housing Society, Hyderabad, under two registered sale deeds in 1996. The petitioner obtained permission for construction of a residential house from Municipal Corporation of Hyderabad on 13.04.2005 and while constructing the house, it is alleged, the second respondent visited the site and directed the petitioner to stop construction. It appears the second respondent brought to the notice of the petitioner about the pendency of a land grabbing case being LGC No.21 of 1999, which is pending against the Sagar Cooperative Housing Society. Aggrieved by the action of the second respondent, the present writ petition is filed seeking a declaration that the action of the respondents in interfering with the construction is illegal and arbitrary.

The learned Assistant Government Pleader, after getting instructions, submits that the petitioner herein is arrayed as respondent No.102 in LGC No.21 of 1999 on the file of the Special Court under

A.P.Land Grabbing (Prohibition) Act, 1982, and therefore, if the construction is allowed, the same would frustrate the action taken by the officials. The learned counsel, however, does not dispute that there is no prohibitory order or injunction order against the petitioner from raising constructions. Therefore, if the allegation made by the petitioner is true, the action of the second respondent in interfering with the construction cannot be sustained.

The writ petition, is therefore, disposed of observing that unless and until appropriate injunction order is obtained, the revenue officials cannot interfere with the enjoyment of the property by the petitioner. No costs.

_____

(V.V.S.RAO,J)

08.06.2006
pln